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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,998	01/03/2002	Anthony Dezonno	6065-83768	6597

24628 7590 08/11/2005

WELSH & KATZ, LTD
120 S RIVERSIDE PLAZA
22ND FLOOR
CHICAGO, IL 60606

EXAMINER

COFFY, EMMANUEL

ART UNIT PAPER NUMBER

2157

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/037,998	Applicant(s) DEZONNO ET AL.	
	Examiner Emmanuel Coffy	Art Unit 2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Response to Amendment

1. This action is responsive to the amendment filed on 23 May 2005. Claims 1-38 are pending. Claims 1-38 are directed to a method of "Allocating Data Communication Sessions Based Upon User Information." No amendments were made to the claims.

Response to Arguments

2. Applicant's arguments have been fully considered but they are not persuasive. In response to Applicant's arguments, 37 CFR § 1.111(c) requires applicant to "clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. He or she must also show how the amendments avoid such references or objections."

Applicant asserted that "more specifically, the browser in response to executing the advertising tag, issues a request, symbolized by line 54, to agent server 15 to download the Adcontroller agent" (Landsman et al., col. 19, lines 49-51). However, the downloading of the Adcontroller agent constitutes the mere mechanical act of downloading a file. It does not constitute a communication session with an agent or a request for a communication session with an agent." (See remarks, page 3, 3rd paragraph). In response to the aforementioned assertion, applicant's attention is directed to the definition of a session as articulated in *μSoft Computer Dictionary* 5th ed., page 475- in communications, a session is defined as the time during which two computers maintain a connection. Can downloading a file take place without the two computers maintaining a connection?

2.1 On page 4, 2nd paragraph of the remarks applicant made reference to a passage in the specification without providing the page(s) where such reference is found.

2.2 On page 4, 4th paragraph of the remarks, applicant alleges that "the downloading of the Adcontroller is not router information because Landsman et al. does not address the issue of routers or routing." Applicant is directed to Fig. 1B and 1E of Landsman which depicts a web browser 7 connected to a content server 13 through the internet 10A to a third-party ad server 20. This set-up inherently involves routers.

2.3 Bodily Incorporation

In response to applicant's argument that: 1) More to the point, Landsman et al. operates in the opposite manner wherein the Adcontroller determines what information to retrieve from the advertising server, rather than visa versa (See page 5, 1st paragraph of the remarks); 2) However, the Adcontroller agent is only a single entity that is used for a different purpose than that of the claimed invention. Therefore, under Landsman et al., there would not be any selection step based upon a content of any analyzed browser associated information (See page 5, 2nd paragraph of the remarks); 3) The difficulty with the Examiner's position, however, is that Landsman et al. is directed to an Adcontroller agent that downloads ads. If the Landsman et al. Adcontroller were modified to process chat sessions, then the Landsman et al. Adcontroller would be rendered inoperable for its intended purpose of selecting ads. (See page 5, last paragraph of the remarks)Because of the clear differences defined by the claimed invention, the combination of Landsman et al. and Wen et fail to provide any teaching or suggest of any of the elements of claims 1 and 15. In this regard, the

Examiner has clearly failed to meet his burden of establishing the prima facie case of obviousness. (See page , 1st paragraph of the remarks).

The test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

2.4 On page 6, 3rd paragraph of the remarks, applicant further alleges that "the transfer of chat sessions may not even involve other routers because other companies may be on the same router as the transferring company. In addition, there is no mention of any list of router identifiers" within Wen et al." Applicant did acknowledge that in paragraph 27 Wen unequivocally discloses such limitation as articulated in the last office action. Moreover, in Fig. 1 and paragraph 17 Wen discloses company servers 140A, 140B, 140N, each company server to be connected to the Internet includes a router. It is a reasonable assumption as it is common knowledge for an artisan of ordinary skill in the art. Furthermore, as discussed above the test for obviousness is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

2.5 The remarks is replete with assertions of what the reference does not teach, however, applicant stops short of "clearly pointing out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the

references cited or the objections made. Applicant also fails to show how the amendments avoid such references or objections.”

2.6 On page 7, 1st paragraph of the remarks, applicant alleges: “However, Landsman et al. fails to provide any mention of file extensions, much less any detecting of any file extensions. Since there is no mention or suggestion, the combination fails to provide any support for a rejection of this claim.”

Applicant is directed col.12, lines 32-50, particularly lines 40-45 which state:

Through use of this abstraction, our technique is able to handle present and future media formats, regardless of their requirements, including proprietary streaming and other content delivery technologies that rely on Java applets as a delivery mechanism.

2.7 On page 8, 2nd paragraph of the remarks, applicant alleges:” However, the abstract of Anderson et al. simply discusses the geographic location of a network address. This is entirely different than the locale of an IP packet router. As such, these claim elements are also not taught or suggested by the combination.” Again applicant fails to articulate how the claimed limitation differs from the cited reference.

3. Contradictory Allegations

On page 4 of the remarks applicant alleges that “the downloading of the Adcontroller is not router information because Landsman et al. does not address the issue of routers or routing.” Paradoxically, on page 6 of the remarks applicant stated that “the transfer of chat sessions may not even involve other routers because other companies may be on the same router as the transferring company.” A reasonable inference from the foregoing is:” the transfer of chat sessions may involve

other routers because other companies may not be on the same router as the transferring company. The latter is the most likely scenario as discussed above.

4. The Examiner maintains the arguments presented in the First Office Action as outlined below and the rejection is therefore sustained.

The dependent and non-amended claims stand rejected as articulated in the First Office Action and all objections not addressed in Applicant's response are herein reiterated.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-2, 8-9 and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Landsman et al. (US 6,785,659) in view of Wen et al. (US 2002/0161896.)

Landsman substantially teaches the invention including a technique for implementing in a networked client-server environment, e.g. the Internet, network-distributed advertising in which advertisements are downloaded, from an advertising server to a browser executing at a client computer, in a manner transparent to a user situated at the browser, and subsequently displayed, by that browser on an interstitial basis, in response to a click-stream generated by the user to move from one web page to the next (See abstract.)

Claim 1:

A method of establishing communication sessions through the Internet, such method comprising:

receiving a request from an Internet requester by a website for a communication session with an agent of the website; (See col. 19, lines 22-51.)

analyzing browser associated information relating to the request; and (See col. 19, lines 22-51.)

selecting an agent for the communication session based upon a content of the analyzed browser associated information. (See col. 19, lines 35-51.)

Landsman does not specifically and transparently address selecting an agent for the communication session based upon a content of the analyzed browser associated information. However, Wen goes into the details of establishing a communication session with a website agent. (See paragraphs 18 and 19.)

Landsman and Wen are analogous art because they both deal with data communications through the Internet. Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the agent-based technique taught by Landsman with the transfer of an internet chat session between servers disclosed by Wen because it would provide for an efficient way to transfer a customer to another server with documentation concerning the problem or product of interest thus eliminating the need for the customer to begin anew with the description of the problem or product.

Claim 2:

The method of establishing communication sessions as in claim 1 wherein the step of analyzing browser associated information further comprises retrieving a list of router identifiers defining a path from the Internet requester to the website.

Landsman does not specifically address retrieving a list of router identifiers defining a path from the Internet requester to the website. However, Wen unequivocally discloses such limitation. (See paragraph 27, last sentence.)(other companies imply other routers.)

Landsman and Wen are analogous art because they both deal with data communications through the Internet. Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the agent-based technique taught by Landsman with the list of choices available as disclosed by Wen because it would provide for an efficient way to transfer a customer to another server with documentation concerning the problem or product of interest thus eliminating the need for the customer to begin anew with the description of the problem or product.

Claim 8:

The method of establishing communication sessions as in claim 1 further comprising retrieving a set of shared files from a browser of the requester. (See col. 19, lines 22-46.)

Claim 9:

The method of establishing communication sessions as in claim 8 further comprising detecting a set of file extension of the shared files. (See col. 19, 22-46.)

Claim 12:

The method of establishing communication sessions as in claim 8 further comprising detecting a URL of a competitor. (See col. 20, lines 56-63.)(Fig. 1B (20) depicts third party ad server (competitor) See also col. 18, lines 36-47.)

Claim 13:

The method of establishing communication sessions as in claim 12 wherein the URL of the competitor further comprises an identifier of a webpage of a specific product of the competitor. (See col. 20, lines 56-63.)(Fig. 1B (20) depicts third party ad server (competitor) See also col. 18, lines 36-47.)

Claim 14:

The method of establishing communication sessions as in claim 13 wherein the step of selecting the agent further comprises searching for an agent with a knowledge of the specific product of the competitor.

Landsman does not specifically address searching for an agent with a knowledge of the specific product of the competitor.

However, Wen unequivocally discloses such limitation. (See paragraph 29.)

Landsman and Wen are analogous art because they both deal with data communications through the Internet. Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the agent-based technique taught by Landsman with the list of choices available as disclosed by Wen because it would provide for an efficient way to transfer a customer to another server with documentation concerning the problem or product of interest thus eliminating the need for the customer to begin anew with the description of the problem or product.

7. Claims 3-7 and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Landsman et al. (US 6,785,659) in view of Wen et al. (US 2002/0161896) and in further view of Anderson et al. (US 6,684,250.)

Claim 3:

The method of establishing communication sessions as in claim 2 further comprising identifying a locale of an IP packet router in a closest relative location to the requester.

Neither Landsman nor Wen addresses the relative location of a router. However, Anderson discloses such limitation extensively. (See abstract.)

Landsman, Wen and Anderson are analogous art because they all deal with data communications through the Internet.

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the agent-based technique taught by Landsman and the transfer of an internet chat session between servers as disclosed by Wen with location determination as disclosed by Anderson because it would provide for an efficacious way to transfer a customer to another server with documentation concerning the problem or product of interest by transferring the customer to the closest available server.

Claim 4:

The method of establishing communication sessions as in claim 3 wherein the step of selecting the agent further comprises identifying an agent in the identified locale of the closest relative router.

Landsman does not specifically address the relative location of a router and Wen teaches selecting an agent. However, Anderson discloses identifying a server in the identified locale of the closest relative router. (See abstract.)

Landsman, Wen and Anderson are analogous art because they all deal with data communications through the Internet.

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the agent-based technique taught by Landsman and the transfer of an internet chat session between servers as disclosed by Wen with location determination as disclosed by Anderson because it would provide for an efficacious way to transfer a customer to another server with documentation concerning the problem or product of interest by transferring the customer to the closest available server.

Claim 5:

The method of establishing communication sessions as in claim 4 wherein the step of analyzing browser associated information further comprises determining an organizational affiliation of the requester from a domain name of the request.

Neither Landsman nor Anderson addresses determining an organizational affiliation of the requester from a domain name of the request. However, Wen discloses organizational affiliation, (See paragraph 27, last sentence) and domain name (See paragraph 32.)

Landsman, Wen and Anderson are analogous art because they all deal with data communications through the Internet.

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the agent-based technique taught by Landsman and with location determination as disclosed by Anderson with the transfer of an internet chat session between servers as disclosed by Wen because it would provide for an efficacious way to transfer a customer to a specific server with documentation concerning the problem or product of interest by transferring the customer to the closest available server.

Claim 6:

The method of establishing communication sessions as in claim 5 wherein the step of selecting an agent further comprises retrieving a list of agents qualified to service communication sessions with the determined organization.

Neither Landsman nor Anderson addresses retrieving a list of agents qualified to service communication sessions with the determined organization. However, Wen discloses such limitation (See paragraphs 28, 29, 30, 31 and 32.)

Landsman, Wen and Anderson are analogous art because they all deal with data communications through the Internet.

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the agent-based technique taught by Landsman and with location determination as disclosed by Anderson with the transfer of an internet chat session between servers as disclosed by Wen because it would provide for an efficacious way to transfer a customer to a specific server with documentation concerning the problem or product of interest by transferring the customer to the closest available server.

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Claim 7:

The method of establishing communication sessions as in claim 6 further comprising transferring a URL of the requester to the selected agent.

Neither Landsman nor Anderson addresses transferring a URL of the requester to the selected agent. However, Wen discloses such limitation (See paragraph 32.)

Landsman, Wen and Anderson are analogous art because they all deal with data communications through the Internet.

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the agent-based technique taught by Landsman and with location determination as disclosed by Anderson with the transfer of an internet chat session between servers as disclosed by Wen because it would provide for an efficacious way to transfer a customer to a specific server with documentation concerning the problem or product of interest by transferring the customer to the closest available server.

Claim 10:

The method of establishing communication sessions as in claim 9 further comprising comparing the file extensions with a communications capability index.

Neither Landsman nor Wen addresses a communications capability index. However, Anderson discloses a confidence factor (an index). (See abstract.)

Landsman, Wen and Anderson are analogous art because they all deal with data communications through the Internet.

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the agent-based technique taught by Landsman and

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the transfer of an internet chat session between servers as disclosed by Wen with the index taught by Anderson because it would provide for a confidence index for a transfer to a qualified agent with documentation concerning the problem or product of interest by transferring the customer to said qualified agent.

Claim 11:

The method of establishing communication sessions as in claim 10 wherein the step of selecting the agent further comprises searching for an agent with a communication capability index substantially equal to the requester.

Neither Landsman nor Wen addresses a communications capability index. However, Anderson discloses a confidence factor (an index). (See abstract.)

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the agent-based technique taught by Landsman and the transfer of an internet chat session between servers as disclosed by Wen with the index taught by Anderson because it would provide for a confidence index for a transfer to a qualified agent with documentation concerning the problem or product of interest by transferring the customer to said qualified agent.

8. Claims 15-16, 22-23 and 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Landsman et al. (US 6,785,659) in view of Wen et al. (US 2002/0161896.)

Claim 15:

An apparatus for establishing communication sessions through the Internet, such apparatus comprising:

means for receiving a request from an Internet requester by a website for a communication session with an agent of the website; (See col. 19, lines 22-51.)

means for analyzing browser associated information relating to the request; and (See col. 19, lines 22-51.)

means for selecting an agent for the communication session based upon a content of the analyzed browser associated information. (See col. 19, lines 35-51.) Landsman does not specifically and transparently address selecting an agent for the communication session based upon a content of the analyzed browser associated information. However, Wen goes into the details of establishing a communication session with a website agent. (See paragraphs 18 and 19.)

Landsman and Wen are analogous art because they both deal with data communications through the Internet. Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the agent-based technique taught by Landsman with the transfer of an internet chat session between servers disclosed by Wen because it would provide for an efficient way to transfer a customer to another server with documentation concerning the problem or product of interest thus eliminating the need for the customer to begin anew with the description of the problem or product.

Claim 16:

The apparatus for establishing communication sessions as in claim 15 wherein the means for analyzing browser associated information further comprises means for retrieving a list of router identifiers defining a path from the Internet requester to the website.

Landsman does not specifically address retrieving a list of router identifiers defining a path from the Internet requester to the website. However, Wen unequivocally discloses such limitation. (See paragraph 27, last sentence.)

Landsman and Wen are analogous art because they both deal with data communications through the Internet. Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the agent-based technique taught by Landsman with the list of choices available as disclosed by Wen because it would provide for an efficient way to transfer a customer to another server with documentation concerning the problem or product of interest thus eliminating the need for the customer to begin anew with the description of the problem or product.

Claim 22:

The apparatus for establishing communication sessions as in claim 15 further comprising means for retrieving a set of shared files from a browser of the requester. (See col. 19, lines 22-46.)

Claim 23:

The apparatus for establishing communication sessions as in claim 22 further comprising means for detecting a set of file extension of the shared files. (See col. 19, 22-46.)

Claim 26:

The apparatus for establishing communication sessions as in claim 22 further comprising means for detecting a URL of a competitor. (See col. 20, lines 56-63.)(Fig. 1B (20) depicts third party ad server (competitor) See also col. 18, lines 36-47.)

Claim 27:

The apparatus for establishing communication sessions as in claim 26 wherein the URL of the competitor further comprises an identifier of a webpage of a specific product of the competitor. (See col. 20, lines 56-63.)(Fig. 1B (20) depicts third party ad server (competitor) See also col. 18, lines 36-47.)

Claim 28:

The apparatus for establishing communication sessions as in claim 27 wherein the means for selecting the agent further comprises means for searching for an agent with a knowledge of the specific product of the competitor.

Landsman does not specifically address searching for an agent with a knowledge of the specific product of the competitor.

However, Wen unequivocally discloses such limitation. (See paragraph 29.)

Landsman and Wen are analogous art because they both deal with data communications through the Internet. Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the agent-based technique taught by Landsman with the list of choices available as disclosed by Wen because it would provide for an efficient way to transfer a customer to another server with documentation concerning the problem or product of interest thus eliminating the need for the customer to begin anew with the description of the problem or product.

9. Claims 17-21 and 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Landsman et al. (US 6,785,659) in view of Wen et al. (US 2002/0161896) and in further view of Anderson et al. (US 6,684,250.)

Claim 17:

The apparatus for establishing communication sessions as in claim 16 further comprising means for identifying a locale of an IP packet router in a closest relative location to the requester.

Neither Landsman nor Wen addresses the relative location of a router. However, Anderson discloses such limitation extensively. (See abstract.)

Landsman, Wen and Anderson are analogous art because they all deal with data communications through the Internet.

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the agent-based technique taught by Landsman and the transfer of an internet chat session between servers as disclosed by Wen with location determination as disclosed by Anderson because it would provide for an efficacious way to transfer a customer to another server with documentation concerning the problem or product of interest by transferring the customer to the closest available server.

Claim 18:

The apparatus for establishing communication sessions as in claim 17 wherein the means for selecting the agent further comprises means for identifying an agent in the identified locale of the closest relative router.

Landsman does not specifically address the relative location of a router and Wen teaches selecting an agent. However, Anderson discloses identifying a server in the identified locale of the closest relative router. (See abstract.)

Landsman, Wen and Anderson are analogous art because they all deal with data communications through the Internet.

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the agent-based technique taught by Landsman and the transfer of an internet chat session between servers as disclosed by Wen with location determination as disclosed by Anderson because it would provide for an efficacious way to transfer a customer to another server with documentation concerning the problem or product of interest by transferring the customer to the closest available server.

Claim 19:

The apparatus for establishing communication sessions as in claim 18 wherein the means for analyzing browser associated information further comprises means for determining an organizational affiliation of the requester from a domain name of the request.

Neither Landsman nor Anderson addresses determining an organizational affiliation of the requester from a domain name of the request.

However, Wen discloses organizational affiliation, (See paragraph 27, last sentence) and domain name (See paragraph 32.)

Landsman, Wen and Anderson are analogous art because they all deal with data communications through the Internet.

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the agent-based technique taught by Landsman and with location determination as disclosed by Anderson with the transfer of an internet

chat session between servers as disclosed by Wen because it would provide for an efficacious way to transfer a customer to a specific server with documentation concerning the problem or product of interest by transferring the customer to the closest available server.

Claim 20:

The apparatus for establishing communication sessions as in claim 19 wherein the means for selecting an agent further comprises means for retrieving a list of agents qualified to service communication sessions with the determined organization.

Neither Landsman nor Anderson addresses retrieving a list of agents qualified to service communication sessions with the determined organization.

However, Wen discloses such limitation (See paragraphs 28, 29, 30, 31 and 32.)

Landsman, Wen and Anderson are analogous art because they all deal with data communications through the Internet.

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the agent-based technique taught by Landsman and with location determination as disclosed by Anderson with the transfer of an internet chat session between servers as disclosed by Wen because it would provide for an efficacious way to transfer a customer to a specific server with documentation concerning the problem or product of interest by transferring the customer to the closest available server.

Claim 21:

The apparatus for establishing communication sessions as in claim 20 further comprising means for transferring a URL of the requester to the selected agent.

Neither Landsman nor Anderson addresses transferring a URL of the requester to the selected agent.

However, Wen discloses such limitation (See paragraph 32.)

Landsman, Wen and Anderson are analogous art because they all deal with data communications through the Internet.

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the agent-based technique taught by Landsman and with location determination as disclosed by Anderson with the transfer of an internet chat session between servers as disclosed by Wen because it would provide for an efficacious way to transfer a customer to a specific server with documentation concerning the problem or product of interest by transferring the customer to the closest available server.

Claim 24:

The apparatus for establishing communication sessions as in claim 23 further comprising means for comparing the file extensions with a communications capability index.

Neither Landsman nor Wen addresses a communications capability index. However, Anderson discloses a confidence factor (an index). (See abstract.)

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the agent-based technique taught by Landsman and the transfer of an internet chat session between servers as disclosed by Wen with the index taught by Anderson because it would provide for a confidence index for a transfer

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to a qualified agent with documentation concerning the problem or product of interest by transferring the customer to said qualified agent.

Claim 25:

The apparatus for establishing communication sessions as in claim 24 wherein the means for selecting the agent further comprises means for searching for an agent with a communication capability index substantially equal to the requester. (See col. 39, lines 1-20.) Neither Landsman nor Wen addresses a communications capability index. However, Anderson discloses a confidence factor (an index). (See abstract.)

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the agent-based technique taught by Landsman and the transfer of an internet chat session between servers as disclosed by Wen with the index taught by Anderson because it would provide for a confidence index for a transfer to a qualified agent with documentation concerning the problem or product of interest by transferring the customer to said qualified agent.

10. Claims 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Landsman et al. (US 6,785,659) in view of Wen et al. (US 2002/0161896) and in further view of Nixon et al. (US 6,513,060.)

Claim 29:

An apparatus for establishing communication sessions through the Internet, such apparatus comprising:

a website adapted to receive a request from an Internet requester for a communication session with an agent of the website; (See col. 19, lines 22-51.)

a packet analyzer adapted to analyze browser associated information relating to the request; and

an agent selection application adapted to select an agent for the communication session based upon a content of the analyzed browser associated information. (See col. 19, lines 33-51.)

Landsman does not specifically and transparently address selecting an agent for the communication session based upon a content of the analyzed browser associated information. However, Wen goes into the details of establishing a communication session with a website agent. (See paragraphs 18 and 19.)

Landsman and Wen are analogous art because they both deal with data communications through the Internet. Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the agent-based technique taught by Landsman with the transfer of an internet chat session between servers disclosed by Wen because it would provide for an efficient way to transfer a customer to another server with documentation concerning the problem or product of interest thus eliminating the need for the customer to begin anew with the description of the problem or product.

Neither Landsman nor Wen addresses a packet analyzer adapted to analyze browser associated information relating to the request. However, Nixon extensively discloses this limitation but particularly at col. 20, line 38- col. 24, line 67.

Landsman, Wen and Nixon are analogous art because they all deal with data communications through the Internet.

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the agent-based technique taught by Landsman and the transfer of an internet chat session between servers disclosed by Wen with the monitoring system taught by Nixon because it would provide for determining whether a host web server hosting the best qualified agent have stopped by reporting the web's status enhancing the system administration.

Claim 30:

The apparatus for establishing communication sessions as in claim 29 wherein the packet processor further comprises a TRACEROUTE application adapted to retrieve a list of router identifiers defining a path from the Internet requester to the website.

Landsman does not specifically address retrieving a list of router identifiers defining a path from the Internet requester to the website. However, Wen unequivocally discloses such limitation. (See paragraph 27, last sentence.)(other companies imply other routers.)

Landsman and Wen are analogous art because they both deal with data communications through the Internet. Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the agent-based technique taught by Landsman with the list of choices available as disclosed by Wen because it would provide for an efficient way to transfer a customer to another server with documentation concerning the problem or product of interest thus eliminating the need for the customer to begin anew with the description of the problem or product.

Neither Landsman nor Wen addresses a TRACEROUTE application. However, Nixon extensively discloses this limitation but particularly with reference to Fig. 2.

Landsman, Wen and Nixon are analogous art because they all deal with data communications through the Internet.

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the agent-based technique taught by Landsman and the transfer of an internet chat session between servers disclosed by Wen with the monitoring system taught by Nixon because it would provide for determining whether a host web server hosting the best qualified agent have stopped by reporting the web's status enhancing the system administration.

11. Claims 31-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Landsman et al. (US 6,785,659) in view of Wen et al. (US 2002/0161896) in further view of Nixon et al. (US 6,513,060) and in further view of Anderson et al. (US 6,684,250.)

Claim 31:

The apparatus for establishing communication sessions as in claim 30 wherein the packet processor further comprises an agent selection application adapted to identify an agent in the identified locale of the closest relative router.

Neither Landsman, Wen nor Nixon addresses the relative location of a router. However, Anderson discloses such limitation extensively. (See abstract.)

Landsman, Wen, Nixon and Anderson are analogous art because they all deal with data communications through the Internet.

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the agent-based technique taught by Landsman, the transfer of an internet chat session between servers as disclosed by Wen and the method for monitoring informational resources disclosed by Nixon with location

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determination as disclosed by Anderson because it would provide for an efficacious way to transfer a customer to another server with associated documentation concerning the problem or product of interest by transferring the customer to the closest available server.

Claim 32:

The apparatus for establishing communication sessions as in claim 31 wherein the agent selection application further comprises an agent lookup table adapted to retrieve a list of agents in the identified locale of the closest relative router.

Neither Landsman nor Nixon specifically addresses the relative location of a router; Wen teaches selecting an agent. However, Anderson discloses identifying a server in the identified locale of the closest relative router. (See abstract.)

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the agent-based technique taught by Landsman, the transfer of an internet chat session between servers as disclosed by Wen and the method for monitoring information resources disclosed by Nixon with location determination as disclosed by Anderson because it would provide for an efficacious way to transfer a customer to another server with documentation concerning the problem or product of interest by transferring the customer to the closest available server.

Claim 33:

The apparatus for establishing communication sessions as in claim 31 further comprising a communication processor adapted to transfer a URL of the requester to the selected agent.

Neither Landsman, Nixon nor Anderson addresses transferring a URL of the requester to the selected agent. However, Wen discloses such limitation (See para. 32.)

Landsman, Wen, Nixon and Anderson are analogous art because they all deal with data communications through the Internet.

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the agent-based technique taught by Landsman and with location determination as disclosed by Anderson and the method for monitoring information resources disclosed by Nixon with the transfer of an internet chat session between servers as disclosed by Wen because it would provide for an efficacious way to transfer a customer to a specific server with documentation concerning the problem or product of interest by transferring the customer to the closest available server.

Claim 34:

The apparatus for establishing communication sessions as in claim 29 wherein the browser associated information further comprises a set of shared files from a browser of the requester. (See col. 19, lines 22-46.)

Claim 35:

The apparatus for establishing communication sessions as in claim 34 wherein the set of shared files further comprises a set of file extensions of the shared files. (See col. 19, 22-46.)

Claim 36:

The apparatus for establishing communication sessions as in claim 35 further comprising a file analyzer adapted to comparing the file extensions with a communications capability index.

Neither Landsman, Wen nor Nixon addresses a communications capability index. However, Anderson discloses a confidence factor (an index). (See abstract.)

Landsman, Wen, Nixon and Anderson are analogous art because they all deal with data communications through the Internet.

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the agent-based technique taught by Landsman and the transfer of an internet chat session between servers as disclosed by Wen and the method for monitoring information resources disclosed by Nixon with the index taught by Anderson because it would provide for a confidence index for a transfer to a qualified agent with documentation concerning the problem or product of interest by transferring the customer to said qualified agent.

Claim 37:

The apparatus for establishing communication sessions as in claim 36 wherein the file analyzer further comprises a communication capability index.

Neither Landsman, Wen nor Nixon addresses a communications capability index although Nixon teaches a packet analyzer. However, Anderson discloses a confidence factor (an index). (See abstract.)

Landsman, Wen, Nixon and Anderson are analogous art because they all deal with data communications through the Internet.

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the agent-based technique taught by Landsman, the transfer of an internet chat session between servers as disclosed by Wen and the method for monitoring information resources disclosed by Nixon with the index taught

by Anderson because it would provide for a confidence index for a transfer to a qualified agent with documentation concerning the problem or product of interest by transferring the customer to said qualified agent.

Claim 38:

The apparatus for establishing communication sessions as in claim 34 wherein the set of shared files further comprises a cookie left by another server. (see col. 19, lines 35-41.) (A cookie is a block of data that a web server stores on a client system.)

12. THIS ACTION IS MADE FINAL.

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emmanuel Coffy whose telephone number is (571) 272-3997. The examiner can normally be reached on 8:30 - 5:00 P.M.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-273-8300.

Emmanuel Coffy
Patent Examiner
Art Unit 2157

***EC
July 26, 2005


ARIO ETIENNE
SUPERVISORY PATENT EXAMINER
TECHNICAL STAFF